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JUN 20 2008

In re Application of :
Kosun : DECISION ON PETITION
Application No. 10/790,323 :
Filed: February 27, 2004 :
Atty. Dkt. No.: LAC201T3 :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed April 25, 2008.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby GRANTED.

This application was held abandoned for failure to timely submit a proper reply to the non-final Office action mailed July 6, 2007. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed March 18, 2008.

Petitioner argues that a proper response to the non-final Office action was timely submitted on December 6, 2007 in accordance with the certificate of mailing procedures set forth at 37 CFR 1.8. Petitioners have also included as proof of submission and proof of USPTO receipt of the response a postcard date-stamped December 10, 2007. Petitioner has also submitted a copy of the reply purportedly filed December 6, 2007.

Review of Office records reveals that a response received at the USPTO on December 10, 2007, while intended for instant application did not include the correct application serial number. The response improperly cited U.S. App. No. 10/790,232. As a result of applicants' error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicants failed to correctly identify the application by citing an incorrect application number in the response. The Office elects, in this instance, to treat applicants' error as a correctable minor error as permitted

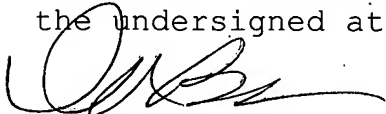
under MPEP 502. However, applicants are strongly reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office. It is note that applicant has on three occasions (10/23/06; 12/10/07; and 12/13/07) misdirected communications intended for the instant application to the incorrect application number. The Office may not deem to future errors "minor" within the meaning of MPEP 502.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

This application is being forwarded to Technology Center 2600 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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Office of Petitions